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PART - VII

GOVERNMENT OF MEGHALAYA

ORDERS BY THE GOVERNOR

NOTIFICATION

The 1st September, 2006.

No.LL(B)9/2006/127.—The following Act passed by the Parliament and assent by the President of India and published in the Gazette of India, Part II Section I, on the date below is hereby republished for general information.

A.K. SANGMA,
Under Secretary to the Govt. of Meghalaya,
Law (B) Department.

No. Name of Act	Act Nos. and Years	Date of Publication in the Gazette of India
1. The Delhi Laws (Special Provisions) Act, 2006.	Act No. 22 of 2006	17th May, 2006
2. The Companies (Amendment) Act, 2006.	Act No. 23 of 2006	30th June, 2006
3. The Cess Law (Repealing and Amending) Act, 2006.	Act No. 24 of 2006	2nd June, 2006
4. The Code of Criminal Procedure (Amendment) Amending Act, 2006.	Act No. 25 of 2006	5th June, 2006

THE DELHI LAWS (SPECIAL PROVISIONS) ACT 2006

(As Passed by the Houses of Parliament)

An

Act

to make special provisions for the areas of Delhi for a period of one year and for matters connected therewith or incidental thereto.

WHEREAS phenomenal increase in the population owing to migration has put tremendous pressure on land and infrastructure in Delhi

Delhi resulting in developments which are not in consonance with the Master Plan of Delhi 2001 and the building bye-laws;

AND WHEREAS keeping in view the perspective for the year 2021 and emerging new dimensions in urban development, the Central Government has proposed extensive modifications in the Master Plan of Delhi, which have been published and suggestions and objections have been received in respect thereof from the public, and the finalisation of the Master Plan 2021 is likely to take some more time;

AND WHEREAS the Central Government has constituted a Committee of Experts to look into the various aspects of unauthorised construction and misuse of premises and suggest a comprehensive strategy to deal with them;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy is proposed to be prepared by the local authorities in Delhi in accordance with the National Policy for Urban Street Vendors;

AND WHEREAS action for violation of the provisions of the Master Plan, 2001 and building bye-laws, before a final view is taken in the matter by the Government, is causing avoidable hardship and irreparable loss to a large number of people;

AND WHEREAS some time is required for making orderly arrangements in terms of the proposed Master Plan 2021;

AND WHEREAS it is expedient to have a law to provide temporary relief to the people of Delhi against such action for a period of one year within which various policy issues referred to above are expected to be finalised;

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

**Short title
extent and
duration.**

1. (1) This Act may be called the Delhi Laws (Special Provisions) Act, 2006.

(2) It extends to Delhi.

(3) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respect things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

Definitions

2. (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as enforce in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

66 of 1957.

Punjab Act
3 of 1911

61 of 1957.

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

66 of 1957.

44 of 1994.

61 of 1957.

(e) "Master Plan" means the Master Plan for Delhi 2001 notified under the Delhi Development Act, 1957;

61 of 1957.

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of Court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957.

(i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(i) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes encroachment.

61 of 1957.

66 of 1957.

44 of 1994.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of

**Enforcement
to be kept in
abeyance.**

unauthorised development with regard to the under-mentioned categories, namely:—

- (a) mixed land use not conforming to the Master Plan;
- (b) construction beyond sanctioned plans; and
- (c) encroachment by slum and *Jhuggi-Jhompri* dwellers and hawkers and street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgement, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against the categories of unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification in the Official Gazette in respect of one or more of the categories of unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following categories of unauthorised development, namely :-

- (a) any construction unauthorisedly started or continued on or after the 1st day of January, 2006;
- (b) commencement of any commercial activity in residential areas in violation of the provisions of the Master Plan of Delhi 2001 on or after the 1st day of January, 2006;
- (c) encroachment on public land except in those cases which are covered under clause (c) of sub-section (1) of section 3;
- (d) removal of slums and *Jhuggi-Jhompri* dwellers and hawkers and street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

**Power of
Central
Government
to give
directions.**

**The
Provisions
of this Act
not to apply
in certain
cases.**

THE COMPANIES (AMENDMENT) ACT 2006

AN

ACT

further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Companies (Amendment) Act, 2006. **Short title and commencement.**

(2) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act

1 of 1956

2. In section 253 of the Companies Act, 1956 (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:— **Amendment of section 253.**

“Provided that no company shall appoint or re-appoint any individual as director of the company unless he has been allotted a Director Identification Number under section 266B,”.

Insertion of new sections . 266A, 266B, 266C, 266D, 266E, 266F and 266G.

3. After section 266 of the principal Act, the following sections shall be inserted, namely:—

“Director Identification Number

Application for allotment of Director Identification Number.

266A. Every—

- (a) individual, intending to be appointed as director of a company; or
- (b) director of a company appointed before the commencement of the Companies (Amendment) Act, 2006,

shall make an application for allotment of Director Identification Number to the Central Government in such form, and manner (including electronic form) alongwith such fee, as may be prescribed:

Provided that every director', appointed before the commencement of the Companies (Amendment) Act, 2006, shall make, within sixty days of the commencement of the said Act, such application to the Central Government:

Provided further that every applicant, who has made an application under this section for allotment of a Director Identification Number, may be appointed as a director in a company, or, hold office as director in a company till such time such applicant has been allotted the Director Identification Number.

Allotment of Director Identification Number.

266B. The Central Government shall, within one month from the receipt of the application under section 266A, allot a Director Identification Number to an applicant, in such manner as may be prescribed.

Prohibition to obtain more than one Director Identification Number.

266C. No individual, who had already been allotted a Director Identification Number under section 266B, shall apply, obtain or possess another Director Identification Number.

Obligation of director to intimate Director Identification Number to concerned company or companies.

266D. Every existing director shall, within one month of the receipt of Director Identification Number from the Central Government, intimate his Director Identification Number to the company or all companies wherein he is a director.

Obligation of company to inform Director Identification Number to Registrar.

266E. (1) Every company shall, within one week of the receipt of intimation under section 266D, furnish the Director Identification Number of all its directors to the Registrar or any other officer or authority as may be specified by the Central Government.

(2) Every intimation under sub-section (1) shall be furnished in such form and manner as may be prescribed.

Obligation to indicate Director Identification Number.

266F. Every person or company, while furnishing any return, information or particulars as are required to be furnished under this Act, shall quote the Director Identification Number in such return, information or particulars in case such return, information or particulars relate to the director or contain any reference of the director.

266G. If any individual or director, referred to in section 266A or section 266C or section 266D or a company referred to in section 266E, contravenes any of the provisions of those sections, every such individual or director or the company, as the case may be, who or which, is in default, shall be punishable with fine which may extend to five thousand rupees and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for every day after the first during which the contravention continues.

Penally for contravention of provisions of section 266A or section 266C or section 266D or section 266E.

Explanation.—For the purposes of sections 266A, 266B, 266C, 266D, 266E and 266F, the Director Identification Number means an identification number which the Central Government may allot to any individual, intending to be appointed as director or to any existing directors of a company, for the purpose of his identification as such.”.

4. After section 610 A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 610B, 610C, 610D and 610E.

21 of 2000

“610 B. (7) Notwithstanding anything contained in this Act, and without prejudice to the provisions contained in section 6 of the Information Technology Act, 2000, the Central Government may, by notification in the Official Gazette, make rules so as to require from such-date as may be specified in the rules, that—

Provisions relating to filing of applications, documents inspection, etc., through electronic form.

(a) such applications, balance-sheet, prospectus, return, declaration, memorandum of association, articles of association, particulars of charges, or any other particulars or document as may be required to be filed or delivered under this Act or rules made thereunder, shall be filed through the electronic form and authenticated in such manner as may be specified in the rules;

(b) such document, notice, any communication or intimation, required to be served or delivered under this Act, shall be served or delivered under this Act through the electronic form and authenticated in such manner as may be specified in the rules;

(c) such applications, balance-sheet, prospectus, return, register, memorandum of association, articles of association, particulars of charges, or any other document and return filed under this Act or rules made thereunder shall be maintained by the Registrar in the electronic form and registered or authenticated, as the case may be, in such manner as may be specified in the rules;

(d) such inspections of the memorandum of association, articles of association, register, index, balance-sheet, return or any other document maintained in the electronic form, which is otherwise available for such inspection under this Act or rules made thereunder, may be made by any person through the electronic form as may be specified in the rules;

(e) such fees, charges or other sums payable under this Act or rules made thereunder shall be paid through the electronic form and in such manner as may be specified in the rules;

(f) the Registrar shall, register change of registered office, alteration of memorandum of association or articles of association, prospectus, issue certificate of incorporation or certificate of commencement of business, register such document, issue such certificate, record notice, receive such communication as may be required to be registered or issued or recorded or received, as the case may be, under this Act or rules made thereunder or perform duties or discharge functions or exercise powers under this Act or rules made thereunder or do any act which is by this Act directed to be performed or discharged or exercised or done by the Registrar, by the electronic form, in such manner as may be specified in the rules.

(2) The Central Government may, by notification in the Official Gazette, frame a scheme to carry out the provisions specified under sub-section (1) through the electronic form:

Provided that the Central Government may appoint different dates in respect of different Registrar of Companies or Regional Directors from which such scheme shall come into force.

Power to modify Act in relation to electronic records (including the manner and form in which electronic records shall be filed).

610C. (1) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act, so far as it is required for the purpose of electronic record specified under section 610B in the electronic form,—

(a) shall not apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B, as may be specified in the notification; or

(b) shall apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B only with such consequential exceptions, modifications or adoptions as may be specified in the notification:

Provided that no such notification which relates to imposition of fines or other pecuniary penalties or demand or payment of fees or contravention of any of the provisions of this Act or offence shall be issued under this sub-section.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any

modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

Providing of value added services through electronic form.

610D. The Central Government may provide such value added services through the electronic form and levy such fees as may be prescribed.

Application of provisions of Act 21 of 2000.

610E. All the provisions of the Information Technology Act, 2000 relating to the electronic records (including the manner and format in which the electronic records shall be filed), in so far as they are not inconsistent with this Act, shall apply, or in relation, to the records in electronic form under section 610B."

THE CESS LAWS (REPEALING AND AMENDING) ACT, 2006

(AS PASSED BY THE HOUSES OF PARLIAMENT)

An

Act

to repeal certain enactments and to amend certain other enactments relating to levy of cess on certain items.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

- | | |
|---|--------------------------------------|
| 1. This Act may be called the Cess Laws (Repealing and Amending) Act, 2006. | Short title. |
| 2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. | Repeal of certain enactments. |
| 3. The enactment specified in the Second Schedule is hereby amended to the extent and in the manner mentioned in the fourth column thereof. | Amendment of Act 26 of 1975. |
| 4. (1) The repeal or amendment by this Act of any enactment shall not— | Savings. |
| (a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; | |
| (b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing; | |
| (c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed; | |
| (d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force. | |

(2) The mention of particular matters in sub-section (/) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

10 of 1897

Collection
and payment
of arrears of
duties.

5. Notwithstanding the repeal of the enactments specified in the First Schedule or the amendments in the enactment as specified in the Second Schedule, the proceeds of duties levied under the said enactments immediately preceding the date on which the Cess Laws (Repealing and Amending) Bill, 2006 receives the assent of the President,—

(i) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(ii) if not collected by the collecting agencies,

shall be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India.

THE FIRST SCHEDULE

(See section 2)

Repeals

Year	No.	Short title	Extent of repeal
1	2	3	4
1942	7	The Coffee Act, 1942	Sections 11 and 13.
1972	13	The Marine Products Export Development Authority Act, 1972	Sections 14 and 15.
1986	3	The Agricultural and Processed Food Products Export Cess Act, 1985	The whole.
1986	11	The Spices Cess Act, 1986	The whole.

THE SECOND SCHEDULE

(See section 3)

Amendments

Year	No.	Short title	Amendments
1	2	3	4
1975	26	The Tobacco Cess Act, 1975	(i) Section 4 shall be omitted. (ii) In section 5, for the words and figures "duties of excise and customs levied under sections 3 and 4 respectively", the words and figure "duty of excise levied under section 3" shall be substituted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
AMENDING ACT, 2006

(AS PASSED BY THE HOUSES OF PARLIAMENT

AN

ACT

further to amend the Code of Criminal Procedure (Amendment) Act, 2005.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Amending Act, 2006.

Short title.

2. In the Code of Criminal Procedure (Amendment) Act, 2005, in section 1, in sub-section (2), after the words “by notification in the Official Gazette, appoint”, the words “; and different dates may be appointed for different provisions of this Act” shall be inserted.

Amendment of
section 1 of
Act 25 of 2005.

A.K. SANGMA,
Under Secretary to the Govt. of
Meghalaya,
Law (B) Department.